

**ORDINANCE NO. 5
SERIES 2002**

AN ORDINANCE VACATING THAT PORTION OF A NORTH-SOUTH ALLEY LYING BETWEEN THE SOUTHERN RIGHT-OF-WAY LINE OF GEORGIA AVENUE AND THE NORTHERN RIGHT-OF-WAY LINE OF VIRGINIA AVENUE, AND BETWEEN BLOCK 150, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND BLOCK 9, ACCORDING TO THE PLAT OF ORIGINAL GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A QUIT CLAIM DEED THEREFOR; AND REQUIRING THE DEDICATION TO THE CITY OF GUNNISON OF A UTILITY LINE EASEMENT TO REPLACE THE PORTION OF THE ALLEY BEING VACATED.

WHEREAS, the applicant, The Bishop of Pueblo, a corporation sole, by and through St. Peter's Catholic Church of Gunnison, Colorado, submitted an application for vacating public property dated September 20, 2001, requesting the City of Gunnison to vacate property previously denominated as the north-south alley located between the southern right-of-way boundary of Georgia Avenue and the northern right-of-way boundary of Virginia Ave and between Block 150, according to the official Amended Plat of Town of West Gunnison, and Block 9, according to the plat of Original Gunnison, and that the City abandon the current easement within which a sewer line is constructed, so that the sewer line may be relocated to a new alignment, and the property may be redeveloped as a new Catholic Church facility; and

WHEREAS, the property denominated as an alley is not currently developed as such, is not being used as a public thoroughfare; and

WHEREAS, the current sewer line passing through the applicant's property is proposed to be relocated, and a new easement granted to the City for the purposes thereof; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, held a public hearing upon the request on November 28, 2001, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation and abandonment of existing sewer line easement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, The Bishop of Pueblo, a corporation sole, is the owner of all the real property adjacent to the north-south alley sought to be vacated.

b. That in 1955, the City of Gunnison obtained ownership of the Denver and Rio Grande Western Railroad Company's 100 foot wide railroad right-of-way lying between Block 150, according to the Amended Plat of West Gunnison, and Block 9, according to the plat of Original Gunnison, by quit claim deed recorded June 8, 1955, in Block 294 at page 305 of the records of Gunnison County, Colorado.

c. That the City of Gunnison subsequently conveyed 70 feet of said railroad right-of-way to the adjacent property owner, retaining 30 feet of said right-of-way for use as a north-south alley.

d. That in 1975, at the request of the owner of the adjacent property, the City Council of the City of Gunnison adopted Ordinance No.1, Series 1975, granting permission to the property owner to construct a building upon the western-most 15 feet of the north-south alley.

e. That the City of Gunnison sewer main, which passes through the property owned by the applicant, is located in a 15 foot wide easement granted for alley purposes pursuant to the instrument recorded in Book 484 at page 427 of the records of Gunnison County.

f. That the applicant proposed to relocate the existing sewer main and grant to the City of Gunnison an easement for the relocated sewer main in order to accommodate the redevelopment of the applicant's property as a Catholic Church facility.

g. That no properties, other than those of the applicant, would be denied access by the proposed alley vacation.

h. That the applicant has submitted plans for the relocated sewer main, which plans have been approved by the City of Gunnison Department of Public Works.

i. That the Building Official, Fire Marshal, and Chief of Police, have no objection to the proposed alley vacation.

j. That no public comment was received at the public hearing in opposition to the requested alley vacation.

k. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan.

Section 2. Vacation. The property which is vacated by this ordinance is described as follows: A thirty-foot wide strip of land, being a portion of the Denver and Rio Grande Western Railroad Company right-of-way acquired by the City of Gunnison pursuant to a quit claim deed recorded June 8, 1955, in Book 294 at page 305 of the Gunnison County records, lying between the southerly right-of-way line of Georgia Avenue on the north and the northerly right-of-way line of Virginia Avenue on the south, and between Block 150, according to the Amended Plat of Town of West Gunnison on the west and Block 9, according to the plat of ORIGINAL GUNNISON on the east, together with the 15 foot alley easement granted to the City of Gunnison pursuant to the instrument recorded in Book 484 at page 427 of the records of Gunnison County, Colorado, all within the City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Execution of Quit Claim Deed. The Mayor of the City of Gunnison and City Clerk of the City of Gunnison are hereby authorized to execute a quit claim deed conveying whatever remaining interest the City may have in and to the property described in this ordinance to The Bishop of Pueblo, a corporation sole, upon the effective date of this ordinance.

Section 4. Conditions Precedent. The provisions of this ordinance shall take effect only upon the completion of the following conditions by the applicant:

a. The applicant shall relocate the existing sewer main which passes through applicant's property to a new location, in accordance with the plans previously submitted therefor and approved by the City of Gunnison Department of Public Works.

b. The applicant shall grant to the City of Gunnison a 20 foot wide easement for the continued operation and maintenance of said sewer main as it passes through the property of the applicant.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 23rd day of April, 2002, on first reading, and introduced, read, and adopted on second and final reading this 14th day of May, 2002.

Mayor

ATTEST:

City Clerk